



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
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DALLAS, TX 75202-2733

OCT 6 2010

Randal Looney
Environmental Specialist
Federal Highway Administration
700 West Capitol Avenue
Little Rock, AR 72201-3298

Dear Mr. Looney:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed River Valley Intermodal Facilities, Pope County, Arkansas. The River Valley Intermodal Facility Authority seeks to establish intermodal facilities to promote economic development, transportation capacities, competitiveness, and job creation in the Arkansas River Valley.

EPA rates the SDEIS as "LO," i.e., EPA has "Lack of Objections" to the proposed action as described in the DSEIS. However, we have enclosed some general comments detailed comments for your consideration which we believe would strengthen the Supplemental Final EIS (SFEIS). Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on proposed Federal actions. If you have any questions, please contact Michael Jansky of my staff at 214-665-7451 or by e-mail at jansky.michael@epa.gov.

EPA appreciates the opportunity to review the SFEIS. Please send our office two copies of the SFEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20460.

Sincerely yours,

Craig Weeks, Acting Chief
Office of Planning and
Coordination (6EN-XP)

Enclosure

**DETAILED COMMENTS
ON DETAILED
RIVER VALLEY INTERMODAL FACILITIES
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT
US ARMY CORPS OF ENGINEERS AND FEDERAL HIGHWAY
ADMINISTRATION
Near Russellville, Arkansas**

Environmental Justice Comments:

Summary EJ Assessment: This Supplemental DEIS analyzes three possible options and a “no action alternative” regarding building an intermodal (rail, barge and highway) facility for the transport/delivery of goods on the Arkansas River near Russellville, Arkansas. The purpose of this project is to promote economic development and job creation in a six-county region in the Arkansas River Valley. The SDEIS carefully analyzed the three alternate sites and the “No Action” alternative, and it appears that environmental justice (EJ) considerations were taken into account in all the analyses and determinations. There is no indication in this SDEIS that low-income or minority communities would be impacted in a disproportionate or adverse manner as a result of the construction or maintenance of this project.

Recommendation: One additional tribal nation should have been afforded an opportunity for consultation. The Wichita and Affiliated Tribes (Wichita Proper, Waco, Keechi, and Tawakoni) have occupied parts of western Arkansas and eastern Oklahoma for many years prior to European contact. It seems the Arkansas SHPO should have advised the writers of the SDEIS to consult with the Wichita as well. (See Tribal Concerns section)

Background: The project would entail building a “slackwater harbor” (a port out of the main channel of the river to allow for loading/offloading of barges without impeding river traffic) and for rail/truck, truck/barge, and rail/barge loading and offloading. A complex of warehouses and material storage would also eventually be built. This facility would enable Arkansas to have access to the Mississippi River transportation corridor.

Potential Sites: Nine possible sites were selected originally for further study. A “No Action” alternative was also selected for consideration, and three of the nine were chosen for additional study, the “Red Alternative,” the “Green Alternative,” and the “Purple Alternative.” All the sites were on or very near the Arkansas River. Some would have more negative environmental impacts than others, but the information is well laid out.

EJ Implications: The three potential sites are in semi-rural areas that reflect minority levels lower than the State’s level, and two of the three have lower poverty levels than the State’s level.

- The Red and Green Alternatives have a population that is less than 5% minority, and a 22% poverty level.
- In the Purple Alternative, there are no minorities, and 16% of the population is below the poverty level.

- These figures contrast with Arkansas's 19.2 % minority population and 17.3% below poverty level.

This project will require the relocation of some households.

- The Red Alternative will potentially require the relocation of 8 households;
- The Green Alternative will potentially require the relocation of 6 households;
- The Purple Alternative will entail the location of 15 households, six of which would be considered businesses, since they are family farms

Mitigation measures are clearly laid out. Homeowners would receive replacement value for their properties, and although it is unfortunate that the residents would have to move, the whole region will benefit financially and the residents will be provided new homes if this project goes forward. There will be no disproportionate and adverse impact suffered by the low-income or minority residents impacted by this project as described in this SDEIS.

Tribal Concerns: Although no Indian Tribes reside in the area, Tribal consultation was employed to notify certain tribes about the potential areas of construction and to learn if they had concerns that sites in their historical lands might be impacted by the construction. Fourteen Native American groups may have historical ties to the project area. These groups include:

- Alabama-Quassarte Tribal Town of the Creek Nation of Indians, Oklahoma
- Caddo Nation of Oklahoma
- Cherokee Nation of Oklahoma
- Chicasaw Nation of Oklahoma
- Choctaw Nation of Oklahoma
- Eastern Band of the Cherokee Indian Nation, North Carolina
- Kialegee Tribal Town, Oklahoma
- Jena Band of the Choctaw Indians, Louisiana
- Mississippi Band of Choctaw Indians, Mississippi
- Osage Nation of Oklahoma
- Poarch Band of Creek Indians, Alabama
- Quapaw Tribe of Oklahoma
- Thlopthlocco Tribal Town of the Creek Indian Nation of Oklahoma, and
- United Keetoowah Band of Cherokee Indians

Consultation was begun with these groups in 2005, and they were asked to assist in identifying whether locations of religious/cultural significance might be found in the proposed project area. While these tribes listed above have had a presence in the project area (some for a much shorter time than others), one additional tribal nation should have been afforded an opportunity for consultation. The Wichita and Affiliated Tribes (Wichita Proper, Waco, Keechi, and Tawakoni) have occupied parts of western Arkansas and eastern Oklahoma for many years prior to European contact. The Wichita people have also raised the issue of Spiro Mounds in eastern Oklahoma being related to the Keechi. Spiro is located east of the project area but still within the range of any aboriginal people living in the area. It seems the Arkansas SHPO should have advised the writers of the SDEIS to consult with the Wichita as well.

It appears that all other aspects of the consultation by the group is satisfactory. The SDEIS provides a list of tribes contacted and the responses received back (from the Cherokee Nation and Quapaw Tribe. The SDEIS writers' efforts have been satisfactory up to the date of the EIS. The SDEIS does identify potential impacts to affected areas and tribes appear to have been given an opportunity to comment. Tribes listed by the Arkansas SHPO appear to have been contacted at least twice by mail (2005 & 2010) and one meeting was held in Arkansas.

At the Tribal scoping meeting, only representatives of the Caddo Nation of Oklahoma attended, but no other Tribal groups participated. Consultation will continue with the groups during the decision-making process. In the event that any concerns arise, proper channels and mechanisms will be followed to ensure the protection of historical Indian sacred sites and archeological treasures, according to the SDEIS. It appears that proper steps have been put in place to ensure that Tribal concerns are addressed in accordance with NEPA.